



City of Powell, Ohio

City Council

MEETING MINUTES OCTOBER 15, 2013

A regular meeting of the Powell City Council was called to order by Mayor Cline on Tuesday, October 15, 2013 at 7:30 p.m. City Council members present included Jon Bennehoof, Tom Counts, Mike Crites and Jim Hrivnak. Sara Marie Brenner and Brian Lorenz were absent. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; Gene Hollins, Law Director; Anne Vogel, Deputy City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Cline opened the meeting to Citizen Participation for items not on the agenda.

Shelia Hiddleston, Health Commissioner, Delaware General Health District, said she has been in this position for about nine months and is visiting tonight to introduce herself. She said she plans to come to City Council meetings at least three times per year and she would like the City to contact her if there are any ways in which the Health District may assist. She provided a current list of the organization's programs and her contact information.

Chief Tim Jensen, Liberty Township Fire Department, said he is here to provide an update about the department. He said within Delaware County there is a one-half percent (permissive) sales tax that has been in place since 1971-72. He said this tax was put in place by the County Commissioners to initiate an ambulance service for the County. He said Delaware City and Liberty Township were approached by the County to see if they would be interested in participating in this ambulance service. He agreed to it and ever since then there has been a relationship with the County where the Township receives reimbursement for taking EMS calls within their jurisdiction. Chief Jensen said that amount has varied over the years, depending upon the negotiations and contract in place. He said currently the system for reimbursement has been expired for a couple of years but they have continued to work together on a handshake agreement. He said the visionaries probably had no idea what the sales tax would provide and it is projected to bring in over \$18 million this year. Chief Jensen said in 2012 the Liberty Township Fire Department received just over \$237k in reimbursement from the County. He said over time as the county has grown, many of the fire departments in place practice "Fire-Based EMS" so they provide the community with dual function employees who provide fire rescue and EMS services.

Chief Jensen said in the 1990's Delaware County began building EMS stations because they were committed to providing those services in an 8-9 minutes response time. He said those stations were in the northern, less-populated areas and the southern departments covered their services. He said currently Delaware City and Liberty Township are still the only two that receive reimbursement from the County and several townships have approached the Commissioners seeking a similar agreement and have been met with no interest. Chief Jensen said between Liberty, Orange, Harlem, Concord and Genoa Townships and Delaware City, 81% of the county is served by Fire-Based EMS yet only Liberty and Delaware City receive reimbursements of \$700k-\$800k from the County. He said there has never been enough momentum or a consortium to approach the County Commissioners to ask them to negotiate this funding. He said meetings between the townships and Delaware City have been taking place and the group has reached a point where they are actively seeking working sessions with the County Commissioners. Chief Jensen said he is here this evening because the City of Powell represents one third (12k-13k) of the LTFD serves and the EMS services of the Township are approximately 70% of what they do each day. He said he welcomes the opportunity to speak at length with any or all of the members of Council regarding this subject and would like the support of the City. He said the formula they are considering is based on population and geographical boundaries so they can come up with a fair model to

discuss with the Commissioners. He said they feel they provide a very good service and should take advantage of this one-half percent sales tax that continues to grow each year.

Councilman Counts asked if Liberty Township is getting less than its proportionate share of the dollars allocated to EMS or are the dollars from the sales tax going for purposes other than EMS services. Chief Jensen said they feel there should be a more equitable formula in how those funds are distributed; Mr. Gerber from the Township has found that they serve are approximately 30k residents so the ratio of sales tax coming in should come back to the residents who pay it.

Councilman Bennehoof said if Liberty received \$235k each year that is 1.3% of the \$18 million in the fund. He said that is a pretty small piece. He said he is sure the Commissioners have plans for the rest of that money; he asked what the Council can do to help move the discussion forward. Chief Jensen said the fire chiefs involved are able to provide the data and statistics but this has never had the political horsepower to leverage a discussion with the Commissioners. He said they need to come to a more equitable agreement that will still result in good, if not better services for the community.

Councilman Crites said the one-half percent sales tax that was passed in 1971 now generates \$18 million per year; how much of that now goes to Fire/EMS? Chief Jensen said the County's fire/EMS budget is right around \$10 million so the rest goes into the General Fund. Councilman Crites asked if they are suggesting that they revisit the model that has been in place 40+ years and possibly allow Liberty Township to get their fair share of the fund. Chief Jensen said that is correct. He said he is asking for the City's support because the LTFD serves their residents and they feel the funding received is not equitable. He said they are searching for alternate sources of funding because the taxpayers do not want their taxes raised and this source of funding is growing each year.

Mayor Cline suggested that Mr. Gerber provide a copy of the information that shows the tax and figures. He said that can be distributed to Council and that will give them food for discussion. He said they should let the City know the next time they will have a formal conversation with the Board, if one is planned. He said everyone at this table understands the issue raised and is sympathetic to this concern because every governmental agency from the Federal government down to the City of Powell has 140% need over their revenue. He said the County will not give up any of the funding easily but the group has a legitimate argument and points to be made.

Mayor Cline invited Mr. Bell to come forward to address some concerns about the Metro Development LLC annexation and development.

Caleb Bell, Bricker & Eckler, 100 S. Third Street, Counsel for the Metro Development, said they took direction from Council to submit identical proposals to both Community Authorities and have the Authorities consider the terms proposed by the developer. He said both Authorities received the same term sheet the next day and took it under advisement. He said he began to hear from Legal Counsel to the LCIFA so that problem rectified itself. He said last Thursday, after discussions with both Authorities on the same evening, both Authorities voted to approve the term sheet. Mr. Bell said there are differences in the terms sheets that have been approved: the PCIFA term sheet was approved as submitted by the developer and the LCIFA term sheet was approved with two economic differences. He said both Authorities have approved the possible admission of this territory. Mr. Bell said one of the terms proposed to both Authorities was how they can find the best way to make the City harmless, make sure it receives a contribution toward the old infrastructure debt, and how to hold the residents of the Authorities harmless. He said the proposal which was made to and accepted by both was splitting a 2-mill contribution between the two Authorities. Mr. Bell said no matter which Authority this goes into, the other Authority will receive one mill toward its infrastructure debt as they discussed at the last meeting. He said that fairly addresses the situation of having two Authorities within the City.

Mr. Bell said the economic differences include:

- PCIFA Board approved a cap on legal fees not to exceed \$7,500.00.
- LCIFA Board wants a cap on legal fees not to exceed \$20k.
- PCIFA Board requires an indemnification by the developer of the property for any activity that happens at the site in the infrastructure development such as expenses, costs, liabilities that may arise.
- LCIFA Board requires an indemnification by the statutory developer of the Authority, which is a different entity than the one developing this property.

He said Metro Development LLC is developing this property and they are an affiliate of Triangle Properties which is the statutory developer for both of the Community Authorities. He said Triangle Properties has an ownership

structure that is not controlled by Metro and that separation means they make different decisions. He said he considers the extra indemnification requirement as overreaching and a different economic issue.

Mayor Cline said at the last meeting he was under the impression that Metro Development was rapidly approaching a drop dead date which is today and that was one of the reasons they modified the ordinance and specifically asked them to make proposals to each Authority. He asked if he is at liberty to ask them if they were able to move forward with this development given the deadlines and actions taken. Mr. Bell said on last Thursday approvals were submitted and there is a deal that can be had with one if not both of these Authorities so the developer felt comfortable it was capable of satisfying the zoning condition and placed a deposit on the property today. He said there are now real dollars on the table for the option on this land; that does not relieve their time pressure because it is an extension to the closing date but they can move forward knowing there is one deal, if not two that are available to the developer. Councilman Bennehoof asked if there is a date certain for the matter to be settled. Mr. Bell said today was the option deadline on the contract and yesterday they extended the option with the deposit of a considerable amount of money. He said he is not sure how long the option was extended.

Mayor Cline said the other question that came up was about an understanding of Mr. Bell's relationship as attorney for the developer and the Authority. Mr. Bell said this question comes up often in Community Authority discussions. He said the statute says explicitly that the Community Authority is a partnership with the developer and the purpose of the Authority is to fulfill the development plan which is petitioned for and established by the developer. He said it is a strange public/private partnership and for that reason the practice has developed in Ohio for the last 30 years that in all but two cases the legal counsel that represents the Community Authority is also the legal counsel that represents the developer. He said that allows them to easily fulfill the developer's plan and implement the public nature of the Authority. He said if they think of the Authority as an infrastructure tool, it is cheaper for the residents who bear the cost of the infrastructure to have legal counsel represent both parties in the partnership. Mr. Bell said it is not a conflict of interest as he can zealously represent the developer and also zealously represent the Authority because their goals are the same in this regard.

Mayor Cline said he was a little confused by this and wanted to clarify this matter. Councilman Bennehoof asked which Authority Mr. Bell represents. Mr. Bell said it is the PCIFA. Councilman Bennehoof said he or his firm used to represent the LCIFA. Mr. Bell said some of the people who used to work in his firm and do not work there any longer were involved in establishing the LCIFA years ago. Councilman Bennehoof said whether this is a legal conflict of interest or not, he feels that in the interest of full disclosure, it could have been stated the first time Mr. Bell addressed City Council. He said he has communicated with the president of the LCIFA and he is rather excited about the disparity in representation of the communication breakdown. He said he is disappointed in that because they are not here to represent themselves. Councilman Bennehoof said he invited them to be here, thinking this issue would be on the agenda because of the date certain rendered at the last meeting. He said he feels there has been a lot of confusion and some of the members of Council were very clear at the last meeting that this development should be in the LCIFA because of proximity and scale. He said he is not in favor of a split at all and if they do have one he wonders if the scale and proximity of this development makes a different split more viable. Councilman Bennehoof said he would be interested in when the option extension expiration takes place because there is a lot of work still to be done. He said he personally sees this as conflict. He said a few of the members of Council live in the LCIFA area and they would like to see the misrepresentation corrected that was told to the home buyers that the Authority fee would be for only ten years because this may never be paid off. Councilman Bennehoof said the City should have a policy about how these things should happen in the future. He said there has been some lack of clarity. Mayor Cline asked Mr. Bell to respond.

Mr. Bell said they have discussed providing for new development to pay for old infrastructure and that in itself is a significant policy choice that was made by the City and the Authorities. He said it is not normally done like that but in this case there is a broader policy goal to have GO Debt that refinanced a lot of the infrastructure in both of these areas. He said this indicates that the City has decided to treat the infrastructure as fungible; it is infrastructure in the City that needs to be paid off by all of the City residents. Mr. Bell said a developer coming to the table with a new development does not want to prejudice anyone at all and if there is going to be a contribution to the City's infrastructure the developer had no problem in providing a contribution to the old infrastructure at the 2-mill level. He said their first proposal to the LCIFA said they were willing to pay that amount because that was what the Authority requested. He said the City is held harmless so they are in the position in either Authority to receive two mills but they must consider the residents. Mr. Bell said the last time they met Council gave them the charge to provide for an equal set of terms so it became clear to the developer that there will be a disparity if in the future most developers come in and pay off one of the Authorities, favoring one set of residents over the other. He said the developer does not want to be in a situation where one or the

other Authority is favored and both Authorities in this case agreed to take 2 mills and split it in half, sending 1 mill to the other. He said that way, no matter where there is new development in the community, there will be fairness so all old infrastructure is paid on. He said it is his understanding that there was robust discussion at the LCIFA meeting and the split was considered and accepted.

Mr. Bell said he is sorry that the Councilman feels the communication was not clear or somehow misrepresentative of his efforts to get responses from the LCIFA representatives. He said during a discussion with Mr. Hartranft he told him he must be contacted by the lawyer for the Authority and Mr. Hartranft agreed that was a source of one of the problems in the negotiations. Mr. Bell said he told City Council that Mr. Hartranft was not the issue; he and the other citizens have done a good job on their Authorities. Councilman Bennehoof said in the future if Mr. Bell is representing the developer and the Authority he should disclose that information. Mr. Bell said that is a good reminder to any legal representative and he thought that information was known. Councilman Bennehoof asked if his logic is flawed that the LCIFA debt is significantly larger than the PCIFA debt and because of the proximity of this development to that Authority and the use of that infrastructure it makes the best sense for this development to be added to the LCIFA. Mr. Bell said whether it is best is a policy choice that must be decided by the different entities. He said he cannot say if it is best or worst but the City indicated in 2012 that all of this infrastructure is fungible infrastructure when they refinanced all of the infrastructure on the same basis. He said they refinanced significantly more LCIFA infrastructure than PCIFA infrastructure. Debra Miller, Finance Director, said the City had already refinanced another section of the LCIFA debt so this refinancing split was 3/6.

Mr. Bell said the thing that causes him to react against the concept that because LCIFA has more debt it deserves more millage is what the relative impact is on each resident. He said the PCIFA residents are bearing quite a bit of infrastructure debt per resident because there are fewer residents. He said in the LCIFA debt is not as out of balance as one would believe it to be. Mr. Bell said proximity does not matter; it matters more if the community is functionally interrelated. Councilman Bennehoof said the fact that this is discontinuous is a flaw in the ORC but that is another matter.

Councilman Counts asked Mr. Bell if the legal counsel for the Authority in New Albany represents the Authority and the developer. Mr. Bell said he does. Councilman Counts asked if it is common practice. Mr. Bell said it is and there are only two that are exceptions within the state. Councilman Counts said in his practice where they are in a partnership with a developer, many times the developer's counsel will also serve as counsel for the partnership where their interests are aligned.

Councilman Hrivnak said he understands it is not necessarily important to have an agreement signed at this point but it is important for them to have an agreement they can reference to move forward. He said he is not sure how much more involvement the City could have. Mr. Bell said the zoning ordinances that were adopted laid out conditions and Council gave plenty of direction on how to satisfy those conditions; they are in the process of finalizing the arrangements with both Authorities. He said the developer is not present but he wanted to go back to the LCIFA one more time to see if they would adjust the conditions because it is the preference of this Council that the development go into the LCIFA if it makes economic sense to do so. Mr. Bell said they will talk with them this week but he cannot pre-judge that conversation. He said they stated there were several conditions that were approved by the Board and he assumes changing the economic terms will not be feasible. He said that will not involve City Council in further discussions but the City will need to approve a resolution of no objection to the addition of this property into a community Authority that is ultimately selected. He said if the resolution of no objection is not approved by the City, they would have the right to object at the County Commissioner's hearing process that is a 90-day process. Mr. Bell said both Authorities agreed to a split of one mill each.

Councilman Counts said if they were to accept the PCIFA, the LCIFA would be in almost the same position if they were to accept them because they will get the one mill and they would not need the indemnification. Mr. Bell said they would not have that risk so economically the dollars would flow to both Authorities in an equal fashion. He said LCIFA is a more difficult Authority to document because there is existing debt and an existing pre-annexation agreement that would need to be amended in order to accommodate additional property; he said that is not saying additional property should not go into the LCIFA from time to time, it will just be more complicated every time as a result of all of the debt. He said they attempted to hold them harmless in presenting a legal fee analysis that showed the developer bearing most of the costs and the Authority only having to review rather than draft an agreement.

Councilman Crites asked about the procedure for the amendment to the pre-annexation agreement. Mr. Bell said the pre-annexation agreement is currently a three-party agreement (Triangle Properties, City of Powell

and LCIFA) and all three parties must consent to amend it. He said the City would have to adopt legislation to amend, the Authority will have to approve the amendment of this document and the developer by corporate action must approve the amendment. He said they also must carve out this property and make it its own island because they are applying the charge differently on this section than they are on the rest of the Authority; 2 mills will go to old debt and 8.25 mills will go to new debt. Mr. Bell said the new agreement will require a signatory from Metro Development which is the fourth party. He said there is not a unity of ownership between Metro Development and Triangle. Councilman Crites asked for an estimate of the time involved for this process. Mr. Bell said with willing parties it will take 3-4 weeks. Councilman Crites asked about the time limit of the extension. Mr. Bell said he does not have that information but he can ask for it. Councilman Crites said he is asking so they know when this could be back on a future agenda. Mayor Cline said he included this discussion tonight because he knew there were legitimate questions to be clarified.

Councilman Bennehoof asked if Metro Development is not a legal sub-entity of Triangle. Mr. Bell said he is not corporate counsel so he does not know all of the details but he knows that Triangle is partly owned by Don Kenney, Charlie Vince and other ownership interests. He said Metro Development is an affiliate so there is some overlap in the ownership and shares. He said Trey Geller is the principal for Metro Development and he is the one who is running it.

Steve Lutz, City Manager, asked if future development is added to the Authority in the future and the developer is not affiliated with Triangle at all and the City and the Authority are willing to sign off, will it still require the signature of Triangle as the third party in the agreement. Mr. Bell said that is correct. Mr. Lutz said for Triangle to sign off in the future, it will cost a couple of mills so if a different developer were to come in they might have a different split. Mr. Bell said that is correct; there is a concept in both the statute, the declaration, and the agreement that all three of the sources of law have a condition where they must have the consent of the statutory developer. He said control of the plan is an important part of the Authority's destiny and that is why the developer is the only entity that can amend the petition to add property to the agreement. He said the statutory developer would need some sort of consideration for its consent. Mr. Lutz asked if this is also correct for the PCIFA. Mr. Bell said they have the same statutory developer so from the City's perspective they face a couple of choices: attempt to find common ground with the developer in order to productively implement additions of territory to the Community Authorities or allow the creation of additional Community Authorities that those developers use to finance their own infrastructure. He said there are positives and negatives to both and this community has inherited a couple of Authorities that have a lot of debt and infrastructure behind them. He said how this is managed is a policy choice within the discretion of Council. He said other development will take place and will want to be added to the Authorities so they will need to determine how they want to manage it.

Councilman Counts said they have a real problem here that Council needs to wrestle with and to be educated on. He said one of the basic problems is that we do not understand how development works; normally when a property is being developed, those development costs ultimately are included in the cost of the land to the builder who buys the parcel. He provided an example to clarify: one person lives in a development and the cost of all of the roads and all of the sewers within that development were ultimately included in the cost of all of the lots so they pay their fair share up front at one time. He said another person happens to live in a development where there was a major road that needed to go through in order to open that land up for development. He said in that case, the land that person bought included the cost of that road. Councilman Counts said that is the normal way that development occurs; the cost of infrastructure is included in the cost of the lots. He said in Golf Village with this Authority, instead of including that cost up front in the cost of that lot, that cost is financed over time in a financing mechanism. He said the policy question becomes, should future residents have to pay for what previous homeowners have previously paid for or are paying for now. Councilman Counts said that is not the policy of the City and he never voted for a policy that says that future residents need to pay for existing infrastructure. He said if that is the City's policy they need to vote on it. He said just because adjoining parcels are going to use the infrastructure that is not a basis for including them in paying for what current homeowners should be paying for. He said that is a notion that is inconsistent with the way land gets developed. Councilman Counts said if the City wants to change that policy they can change it, but that supports a notion that somehow residents have been ripped off and are paying this expense when in fact they are paying the exact same expense that every other resident has paid for. He said the second issue is clearly that everybody in good faith tried to work a deal in the time period and it did not happen because of the LCIFA. He asked why now everyone has to bend over backwards to take care of that problem. Councilman Counts said he is also a little concerned that this is all about self-interest and they are not putting the community first in this discussion. He said it is clearly about where they live and if that is the way this is going to be they as a community will never grow in a fashion that makes sense. He said continuing to add land to the LCIFA is bad policy.

Councilman Bennehoof said he takes exception with some of Councilman Counts' points. He said he researched ORC and before he was elected to Council he helped re-write the ORC that never got through the Senate and House. He said he takes exception to the point that it is the same debt; the LCIFA was authorized for a certain amount of money and it more than doubled the amount of expense that went onto the backs of the taxpayers within the LCIFA. Councilman Bennehoof said the LCIFA did not have more than 1k contiguous acres which was required by the ORC yet the Commissioners approved it with the promise they would get the other 80 acres. He said they did get that acreage but it was not contiguous and there may be 1k contiguous acres now because of multiple bites at the apple. He said the ORC was violated when the LCIFA was formed. He said the debt built a road that benefits more than the 1,300 homes within the LCIFA; it benefits the entire southern half of this county. Councilman Bennehoof said if the City of Powell wanted that piece of land to be in the City, they should have asked what the population wants to do with respect to annexation. He said instead the parkway and sewer extension were put into the Authority and the extension was traded for free sewer taps which the builders paid for and passed along to each of the homeowners. He said the cost of that development was paid for at least twice and if they look into it they will discover that fact. He said in his opinion the abuse of that law was extensive. Councilman Bennehoof said the City needs a policy and if they want to annex something they should consider who wants it, why they want it, and what benefit it brings to the community. He said there should be a lot more transparency from all of the participants so they all are more educated on the subject.

Mayor Cline said the comments of both of his colleagues point out the deeply felt feelings and concepts people have as well as the need for Council to decide they want a policy and if so, develop a cohesive policy. He said Councilman Counts' point was that as representatives of the community, it behooves this Council to reach a policy decision about their goals for future annexations, whether it is appropriate to add those developments into either Authority or should they not allow any Authorities and make it "pay as you go" as it was when he built his house. He thanked Mr. Bell for attending this evening and providing this information; he found it educational and provided answers to some of the questions that relate to this development. Mayor Cline said this will help them move forward on a productive basis that is good for everyone involved. He said the one constant in the discussion is that this development is one that everyone favors; there are just other issues to address.

Mr. Bell said Mr. Geller wanted to make sure that Council is aware that they will try to have one last conversation with the representatives of the LCIFA to see if there is some middle ground where everyone will be satisfied and if they cannot they expect to move forward with the other Authority. He said at the right time in the next couple of weeks they will bring forward a resolution to Council in order to add property to one of the Authorities.

Hearing no further comments, Mayor Cline closed the Citizen Participation session.

APPROVAL OF MINUTES

MOTION: Councilman Counts moved to adopt the minutes of October 1, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

CONSENT AGENDA

Item

- Monthly Building Report
- Monthly Development Report
- Monthly Financial Report
- Monthly HDPI Report
- Monthly Police Report

Action Requested

Receipt of Electronic Report
 Receipt of Electronic Report
 Receipt of Electronic Report
 Receipt of Electronic Report
 Receipt of Electronic Report

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

RESOLUTION 2013-17: A RESOLUTION TO ADOPT THE CITY OF POWELL DISASTER PREPAREDNESS, PREVENTION AND RECOVERY POLICY.

Mr. Lutz said throughout the year the Finance Committee has been working on policies and this is the latest one for consideration.

Ms. Miller said one of the policies recommended by Best Practices is having a Disaster Preparedness, Prevention and Recovery Policy. She said the Auditor report also recommended this through a Recovery Policy for the IT area. She said this two-page policy provides guidelines that provide the plans and programs that lay out the

details of each item. She reviewed each plan:

- The Emergency Operations Plan is based on the National Institute of Disaster Plan and tells what the City as responders will do to take care of their responsibilities for this community.
- The Emergency Action Plan tells what they will do in the event of a disaster or emergency in City-owned facilities.
- The Technology Recovery and Continuity Plan tells what IT items they have and tells their plan for getting all of those items back on line.
- The Business Preparation and Continuity Plan tells what the City will do so City services, facilities and records recovery continue and identifies how they need to periodically review these so they are kept up to date.
- The Cost Documentation Program is where they look at how they can document what happens during a disaster or emergency event so they can possibly apply for grants from outside sources.
- The Risk Management Program is where they look at the types of situations present and rate them for the associated risks.

Ms. Miller said this is a very difficult policy and they propose a very generic version so it can be in place and they have a place to start and revise as time goes forward.

Councilman Bennehoof said he read through this policy and this is a very nice start. He said he has been involved in these types of policies in the past and is happy to participate going forward.

Councilman Hrivnak said he also read through the policy and this is very much like what they have in private industry. He said he approves of its passage.

Mayor Cline opened this item to public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Counts moved to adopt Resolution 2013-17. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-48: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Ms. Miller said the Parks and Recreation Program fund is doing well and this is the third year in a row she has had to come back to ask for more appropriation. She said because they have extra revenue, that means they have extra expenses such as the hiring of contractors to lead classes. She said they also occasionally have to give more refunds because a class is cancelled. Ms. Miller said this ordinance requests appropriations of \$8,500.00 for those items.

Mayor Cline opened this item to public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-48. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-48. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-49: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Ms. Miller said the voted park levy millage is an exact science that determines how much they can collect. She said each year the County Auditor makes the arrangements for the millage so they make sure it meets the City's principal and interest payments. Ms. Miller said they will be making the last payment in December of this year and once they do that they will have \$27k left and as required by law they need to move that amount to another fund that pays principal and interest on voter levies. She said it will move to fund the 1.8 mills for the Capital Improvement Fund.

Mayor Cline opened this item to public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-49. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-49. Councilman Crites seconded the motion.
VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-50: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Mr. Lutz said in August Council authorized an engineering proposal for a traffic calming study on Wildflower Drive. He said a speed study was conducted and under the City's policy, if the 85th percentile speeds are less than 28 mph, the street will not be considered for traffic calming. Mr. Lutz said the traffic study resulted in speeds at the 85th percentile so it met that standard; if the City wishes to proceed the next step is the selection of traffic calming measures. He said they previously discussed a \$7,700.00 proposal to evaluate potential traffic calming measures. He said the engineer will provide a report that will include different measures, their pros and cons and possible treatment. Mr. Lutz said that representative will also attend a City Council meeting to discuss the results. He said once a specific traffic calming measure is identified, under the City policy it will require approval of 75% of the households on Wildflower for approval. He said the appropriation for \$7,700.00 will cover the cost of this proposal. Mr. Lutz said the ordinance also includes an appropriation in the amount of \$5,230.00 will be for the City's share of the holiday decorations in the downtown as requested by HDPI.

Mayor Cline opened this item to public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-50. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-50. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: No report. *Next Meeting:* November 6th, 6:30 p.m.

Finance Committee: Councilman Counts said they will meet next week to discuss the budget. He encouraged everyone to attend. *Next Meeting:* October 22nd, 7:00 p.m.

Operations Committee: No report. *Next Meeting:* November 19th, 6:30 p.m.

Planning & Zoning Commission: No report. *Next Meeting:* October 23rd, 7:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz said last week they sold the \$4.1 million in bonds and they received an excellent rate of 1.24%. He said Ms. Miller did a four-year analysis of the City's operating expenditures between the months of January and September and that information is available in The Scanner. He said he found it most interesting that from four years ago the City's operating expenditures have increased by a total of \$16,708.00 and City Council deserves great credit for holding down these costs. Mr. Lutz said most organizations cannot say they have such a small increase over four years in a \$4.168 million budget.

OTHER COUNCIL MATTERS

Councilman Hrivnak, as President of the Powell CIC, reviewed a presentation Powell Community Incentive Corporation (Exhibit 1).

Mr. Lutz reminded the members of Council that the next meeting will be on Wednesday, November 6th due to the elections.


Councilman Bennehoof said it sounds like there is a unanimous decision from the parties present that the City needs to add a policy and they ought to put it on their radar. He said they need to have a policy on how they consider annexations and CIFAs and they need to consider how they might educate themselves more fully on these issues. Councilman Counts agreed. He said the appropriate time to do that is during the Council Goal Setting Session in January. He said they also need to discuss the implications this could have on how they finance the City. He said a long-term session is a good time to discuss and educate themselves on these concepts, what they are and what they mean and how they impact each other. Mayor Cline said he does not think there is anyone on Council who disagrees with the idea of educating Council individually or collectively on these concepts; once they have been educated they can work their way through the policy discussion so there is some consensus. He said that would be very beneficial to the City. Mayor Cline said they will need to discuss how they should start the process and how they should move it along.

Councilman Bennehoof said there may be opportunities for economy with cloud computing or cooperative computing or collaborative services with other subdivisions. He said they should start to look at opportunities for alternatives. Mayor Cline said the City has looked at that particular issue in the past but there have been rather dramatic changes in that field in the past few years and it may be appropriate to revisit the question.


ADJOURNMENT

MOTION: Councilman Counts moved at 9:11 p.m. to adjourn the meeting. Councilman Hrivnak seconded the motion. By unanimous consent, the meeting was adjourned.

MINUTES APPROVED: November 6, 2013



Richard Cline
Mayor



Date



Sue D. Ross
City Clerk



Date

